

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 03, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	6
ATTENDANCE DURING THE MEETING	6
ITEM-1: ROLL CALL.....	7
ITEM-10: INVOCATION	7
ITEM-20: PLEDGE OF ALLEGIANCE.....	7
ITEM-30: San Diego Lesbian, Gay, Bisexual and Transgender Community Center 30th Anniversary Day	7
ITEM-31: Medal of Honor Recipients Day	8
ITEM-32: Approval of Council Minutes	9
ITEM-33: John G. Thomson Day	9
ITEM-34: Reverend Marshall Sharpe Day	10
ITEM-35: Bob Smith Day.....	10
ITEM-50: Office Space Lease Amendment – 600 B Street, 14th and 22nd Floor.	11
*ITEM-51: Establishing a 2-Hour Metered Parking Zones on Seventh Avenue, Eighth Avenue, and Island Avenue	12
*ITEM-52: River Estates Rezoning	12
*ITEM-53: Black Mountain Ranch – TM-95-0173	13
* ITEM-54: Fourth Amendment to the Central Imperial Redevelopment Plan.....	14

Minutes of Monday, November 3, 2003
Table of Contents (Continued)

Page 2

* ITEM-55:	Agreement with the Otay Water District for Water Service from Otay's No. 13 San Diego County Water Authority Connection.	15
* ITEM-56:	First Amendment to the Third Amended and Restated Public Use Lease with PDP Imperial Partners, LLC; and the Creation of Reserve Fund.	16
* ITEM-100:	California Energy Commission Grant Funding for the Installation of Battery Backup Systems (BBS).....	17
* ITEM-101:	"Avoid the 14" Grant from the California Office of Traffic Safety for Anti DUI Efforts.	18
* ITEM-102:	State Funded E 9-1-1 System Upgrade Contract.	20
ITEM-103:	Second Amendment to Agreement – Camino Ruiz Neighborhood Park.	22
* ITEM-104:	FBA Credit and Reimbursement Agreement for Carmel Valley Trunk Sewer	23
* ITEM-105:	Otay 2 nd Pipeline Leak, Paradise Hills Slope Restoration.	25
ITEM-106:	Coast Boulevard Walkway Improvements – Transfer of Funds.....	27
* ITEM-107:	Skyline Fire Station No. 32 Land Acquisition.....	29
* ITEM-108:	Appointments to the Historical Resources Board.....	30
* ITEM-109:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.....	31
* ITEM-110:	Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.....	31
* ITEM-111:	Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)	32
* ITEM-112:	Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City	33
* ITEM-113:	Award of Contract for Qualcomm Stadium – Fueling Station Upgrades.....	34

Minutes of Monday, November 3, 2003
Table of Contents (Continued)

Page 3

* ITEM-114:	Award of Contract for Torrey Pines Golf Course – Fueling Station Upgrades.	34
* ITEM-115:	Award of Contract for Underground Storage Tank (UST) Removals – Phase 22 at Six (6) City Facilities	37
* ITEM-116:	Award of Contract to Lease Various Heavy Duty Tractor Bulldozers with Full Maintenance.....	39
* ITEM-117:	Award of Contract to Purchase Breathing Apparatus and Associated Parts on behalf of Fire – Rescue Department	40
* ITEM-118:	Lease Agreement with San Diego Indoor Soccer, Inc.....	42
* ITEM-119:	Sewer Pump Stations 52 and 53 – Easement Acquisitions.....	43
* ITEM-120:	Ratifying the Election Results of October 7, 2003, for the College Community Redevelopment Project (PAC).....	43
* ITEM-121:	Establishment of Fund 10156 for the 2004 International City/County Management Association (ICMA) Conference	45
* ITEM-122:	Unnamed Easement Vacations in Parcel Map No. 17166 and Map No. 3253 .	46
* ITEM-123:	Joint Use Agreement Between The City of Chula Vista and The City of San Diego.....	47
* ITEM-124:	South Bay Traffic Signal Interconnect	49
ITEM-125:	Amendments to Expand the Metropolitan Enterprise Zone	51
* ITEM-126:	Agreement with the San Diego Water Authority for Surface Storage Operating Enhancements	53
* ITEM-127:	Grant Application for Fenton Pond/Otay Valley Regional Park Trails Improvement.....	55
* ITEM-128:	Application to the State of California Department of Housing and Community Development for Funding up to \$2,000,000 under the Local Housing Trust Fund Program.....	56

Minutes of Monday, November 3, 2003
Table of Contents (Continued)

Page 4

* ITEM-129:	Approval and Reprogramming of Community Development Block Grant Funds	56
* ITEM-130:	Application for State Exterior Accessibility Grants for Renters (EAGR) Program	58
ITEM-200:	Declaring a State of Local Emergency and Waiving Rule 30 of the Permanent Rules of the City Council, of the San Diego Municipal Code Section 22.0101 ...	59
ITEM-201:	Four actions related to the Municipal Primary Election and Special Municipal Election on March 2, 2004.....	61
ITEM-202:	Ratifying the Election Results of October 22, 2003, for the North Bay Redevelopment Project Area Committee.....	63
ITEM-203:	The San Diego Foundation Donation for Skyline Hills Branch Library.	64
ITEM-204:	Two actions related to Mira Sorrento Place – Scranton Road to Vista Sorrento Parkway.....	65
ITEM-205:	Two actions related to State Water Resources Control Board (SWRCB) Low Interest Loans.....	66
ITEM-206:	Morena Vista Mixed Use	69
ITEM-207:	Two actions related to Construction, Maintenance and Joint Parking Agreement – Morena/Linda Vista Trolley Station	75
ITEM-208:	HEARING HELD; REFERRED TO CLOSED SESSION ON TUESDAY, NOVEMBER 4, 2003	76
ITEM-209:	HEARING HELD; REFERRED TO CLOSED SESSSION ON TUESDAY, NOVEMBER 4, 2003	77
ITEM-250:	Notice of Pending Final Map Approval – “NTC – Unit No. 7”	78
ITEM-251:	ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS.....	79
ITEM-252:	SUBMISSION OF BALLOT PROPOSALS.....	80

ITEM-S400: Ballot Proposal for the March 2, 2004 Election, Amending the City Charter, Section 94.4, Relating to “Construction Manager at Risk	81
ITEM-S401: Waiver of City Fees Associated with Fire Damage Reconstruction.....	82
NON-DOCKET ITEMS	84
ADJOURNMENT.....	84

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:07 p.m. Mayor Murphy recessed the meeting at 2:31 p.m. to convene the Redevelopment Agency and the Housing Authority thereafter. Mayor Murphy reconvened the regular meeting at 2:34 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 2:56 p.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting at 3:08 p.m. with Deputy Mayor Inzunza not present. Mayor Murphy recessed the meeting at 4:28 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:42 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:16 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-not present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Charles G. Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES

ITEM-30: San Diego Lesbian, Gay, Bisexual and Transgender Community Center 30th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-446) ADOPTED AS RESOLUTION R-298533

Commending the staff, board members, volunteers, collaborating partners and donors of The San Diego LGBT Community Center for their continued support of San Diego's LGBT and HIV/AIDS communities over the past 30 years, and recognizing the 30th anniversary of this vital organization;

Proclaiming October 27, 2003 to be "San Diego Lesbian, Gay, Bisexual, and Transgender Community Center 30th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m.– 2:20 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Medal of Honor Recipients Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-429) **RETURNED TO THE CITY MANAGER**

Recognizing John P. Baca, Specialist 5th Class, United States Army, who received his Medal of Honor for heroic action in Phuoc Long Province, Republic of Vietnam on February 10, 1970;

Proclaiming October 27, 2003 to be "Medal of Honor Recipients Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:10 p.m.)

MOTION BY MADAFFER TO RETURN THIS ITEM TO THE CITY MANAGER DUE TO THE LACK OF TIME. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

09/16/2003
10/06/2003 Adjourned
10/07/2003 Adjourned
10/13/2003
10/14/2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:10 p.m.)

MOTION BY ATKINS TO APPROVE. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-33: John G. Thomson Day.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-453) CONTINUED TO MONDAY, NOVEMBER 24, 2003

Recognizing John Thomson's well-deserved and long overdue promotion to the rank of Battalion Chief, and honoring his 26 years serving the citizens of San Diego as a firefighter;

Proclaiming October 27, 2003 to be "John G. Thomson Day" in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:11 p.m.)

MOTION BY ZUCCHET TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 24, 2003, TO ALLOW JOHN G. THOMSON TO BE PRESENT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-34: Reverend Marshall Sharpe Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-457) ADOPTED AS RESOLUTION R-298534

Commending Reverend Marshall A. Sharpe, Jr. for the compassion and dedication he provides throughout the communities of San Diego;

Proclaiming October 27, 2003 to be "Reverend Marshall A. Sharpe, Jr. Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:25 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-35: Bob Smith Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-461 Cor. Copy) ADOPTED AS RESOLUTION R-298535

Proclaiming October 27, 2003 to be "Bob Smith Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:30 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-50: Office Space Lease Amendment – 600 B Street, 14th and 22nd Floor.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/13/2003. (Council voted 9-0):

(O-2004-33) ADOPTED AS ORDINANCE O-19229 (New Series)

Authorizing the City Manager to execute a Seventh Amendment to Office Lease with 400 West Broadway, LLC., for the lease of approximately 5,962 square feet, for a total monthly rental rate of \$10,135.40, for a term of approximately 10 years, under the terms and conditions set forth in that Seventh Amendment to Office Lease Agreement;

Declaring that there will be no additional financial impact on the City caused by this Ordinance. The lease costs for this additional space was already budgeted under Fund 41300 in the FY04 Office Space Program Budget in DE number 2400019.

NOTE: 6 votes required pursuant to section 99 of the City Charter.

FILE LOCATION: LEAS-400 West Broadway, LLC

COUNCIL ACTION: (Time duration: 2:42 p.m. - 2:46 p.m.)

MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-51: Establishing a 2-Hour Metered Parking Zones on Seventh Avenue, Eighth Avenue, and Island Avenue.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/20/2003 (Council voted 9-0):

(O-2004-40) ADOPTED AS ORDINANCE O-19230 (New Series)

Establishing a parking time limit of 2 hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, at the following locations:

East side of 7th Avenue, between Market Street and Island Avenue;
West side of 8th Avenue, between Market Street and Island Avenue; and
North side of Island Avenue between 7th Avenue and 8th Avenue;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-52: River Estates Rezoning.

(Otay Mesa-Nestor Community Plan Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2003. (Council voted 9-0):

(O-2004-34) ADOPTED AS ORDINANCE O-19231 (New Series)

Rezoning 2.6 acres, located westerly of Hollister Street, southerly of Coronado Avenue, and northerly of Starburst Lane (Addressed as 1194 Hollister Street) in the Otay Mesa-Nestor Community Plan Area, from the RS-1-7 zone (previously referred to as the R1-5000 zone) to the RM-2-4 zone as defined by San Diego Municipal Code Section 131.0406; and repealing Ordinance No. 8029 (New Series), adopted December 9, 1997.

FILE LOCATION: LUP-River Estates, 10/21/03 (65)

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Black Mountain Ranch – TM-95-0173.

(Black Mountain Ranch Community Plan Area. District-1)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2003. (Council voted 9-0):

(O-2004-43) ADOPTED AS ORDINANCE O-19232 (New Series)

Adoption of an ordinance pursuant to San Diego Charter Sections 99 and 103.1, authorizing Water and Sewer Service to the Santaluz Northern Development Site.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: STRT-U2-(37)

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: Fourth Amendment to the Central Imperial Redevelopment Plan.

(Southeastern San Diego Community Area. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2003 (Council voted 8-1. Councilmember Frye voted nay):

(O-2004-26 Cor. Copy) ADOPTED AS ORDINANCE O-19233 (New Series)

Approving and adopting the Fourth Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of 11/3/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-55: Agreement with the Otay Water District for Water Service from Otay's No. 13 San Diego County Water Authority Connection.

(See memorandum from Larry Gardner dated 7/24/2003.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2004-50) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 17, 2003

Introduction of an Ordinance authorizing an Agreement between the City of San Diego and Otay Water District for Water Service from Otay's No. 13 San Diego County Water Authority Connection.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

This Agreement is between the City of San Diego (City) and Otay Water District (Otay) for water service through a new interconnection facility from Otay's #13 connection to the San Diego County Water Authority's (SDCWA) aqueduct system to the City's Otay Water Treatment Plant (WTP).

This new interconnection facility will be used to deliver surplus treated water from Otay, as needed, to the City. This new interconnection is required by the City to meet more stringent treated water quality regulations in the future. Current and proposed regulations that set maximum contaminant levels on disinfection by-products have forced the City to change its disinfection process to a process that requires additional contact time between added disinfection chemicals and the first service connection. In order to get this additional contact time we must eliminate the current first service connection from our system.

The current first service connection is immediately at the effluent of the Otay WTP and provides service to the City's recreational area at Lower Otay Reservoir, the County's Otay Park and domestic uses at the treatment plant. This new interconnection will now feed the existing first customers. The next first customer is well downstream of two large diameter pipelines and the 15 million gallon South San Diego Reservoir. With this change, there will be sufficient additional contact time to allow the City of San Diego to change its disinfection strategy and help reduce disinfection by-products to meet the more stringent disinfection by-product regulations into the future while maintaining the required disinfection credits.

The amount of water delivered to the City will be shown as a water exchange on City's and Otay's SDCWA invoices. The exchange will be charged to the City and credited to Otay. The proposed term of the agreement is for 25 years. Other than the capital cost, there is no fiscal impact to the City as a result of this agreement.

FISCAL IMPACT:

CIP number not applicable. The connection facility is in place and the total cost of installation was approximately \$75,000. The cost of water will be paid at SDCWA's water rate at the time the water is delivered.

Mendes/Gardner/RM

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFERTO INTRODUCE. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-56: First Amendment to the Third Amended and Restated Public Use Lease with PDP Imperial Partners, LLC; and the Creation of Reserve Fund.

(See Southeastern Economic Development Corporation Report SEDC-03-004.
Southeastern San Diego Community Area. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Introduce the following ordinance:

(O-2004-49) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 17, 2003

Introduction of an Ordinance authorizing the City Manager to execute a First Amendment to the Third Amended Public Use Lease Agreement with PDP Imperial Partners, LLC, for a Park 'N' Ride facility that will be developed as a part of the Imperial Marketplace Development located in the Central Imperial Redevelopment Project Area.

NOTE: See the Redevelopment Agency Agenda of 11/3/2003 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: California Energy Commission Grant Funding for the Installation of Battery Backup Systems (BBS).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-431) ADOPTED AS RESOLUTION R-298536

Authorizing the City Manager to apply for and accept grant funds from the California Energy Commission in the amount of \$73,386, for partial reimbursement of funds for installation of Battery Backup Systems for traffic signals installed between January 1, 2001 and September 28, 2001 (Project);

Authorizing the City Manager to take all necessary actions to secure funds from the California Energy Commission for the Project, including but not limited to entering into and executing any necessary agreements.

CITY MANAGER SUPPORTING INFORMATION:

On June 20, 2002, the City of San Diego applied for a grant to the California Energy Commission (CEC), for partial reimbursement of City funds for Existing Battery Backup Systems for traffic signals installed between January 1, 2001 and September 28, 2001. On August 19, 2002, the CEC awarded the City of San Diego \$73,386 (Award Number BBS-02K-083). The CEC will disburse the funds upon receipt of a resolution authorizing the Director of Transportation Department, D. Cruz Gonzalez to execute in the name of the City all necessary documents related to this grant. In Fiscal Year 2001/2002, the Transportation Department, Street Division installed Battery Backup Systems at 115 signalized intersections using light emitting diodes (LED).

These battery backup systems will keep the subject intersections fully operational in case a power outage occurs based on a grant application submitted to the California Energy Commission by Street Division, the CEC has awarded the City the sum of \$73,386. At this time, all grant related documents have been completed except for the resolution authorizing the receipt of grant money.

FISCAL IMPACT:

None.

Loveland/Gonzalez/MS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: “Avoid the 14” Grant from the California Office of Traffic Safety for Anti DUI Efforts.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-341 Cor. Copy) ADOPTED AS RESOLUTION R-298537

Authorizing the Chief of Police to apply for, accept, manage and expend funds for the “Avoid the 14” grant application;

Declaring that such authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related this program;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Declaring that grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body.

CITY MANAGER SUPPORTING INFORMATION:

This project is funded by the California Office of Traffic Safety (OTS). \$75,000 in grant funds will be used to bring together 14 of the local law enforcement agencies in San Diego County on the issue of DUI. This program will create a traffic safety committee that will meet bi-monthly and discuss what the different agencies are doing in the area of DUI and how they can assist each other. Educational material that is specific to San Diego County and its DUI related problems will be created and distributed as a component of this grant.

The overall goal of the project is to enable San Diego County law enforcement agencies to publicize the combined DUI efforts of all law enforcement agencies in San Diego County and to raise the awareness of the general public regarding the problems associated with drinking and driving. The end product of the educational campaign coupled with specific enforcement activity is to reduce the calendar 2002 base alcohol-involved fatal injury crashes by 10% during chosen holiday periods.

FISCAL IMPACT:

This OTS grant will provide \$75,000 for education material promoting the "Avoid the 14" Program with an Anti DUI message, traffic safety message promotional giveaways, recognition awards for officers involved with the program, and provide for a DUI seminar and recognition luncheon. There is no requirement for matching funds; however, SDPD has indicated the intent to contribute approximately \$114,375 in staff time to this project. There is no requirement to continue project-related expenditures or services after grant funding is exhausted.

Uberuaga/Welter/DJW

Aud. Cert. 2400403.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: State Funded E 9-1-1 System Upgrade Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-420) ADOPTED AS RESOLUTION R-298538

Authorizing the City Manager to accept the 9-1-1 system upgrades and execute any documentation or agreements necessary to complete the transaction.

CITY MANAGER SUPPORTING INFORMATION:

The State of California assesses a 9-1-1 surtax on every telephone bill (landline as well as cellular) and the Department of General Services (DGS), Telecommunications Division, manages these tax dollars. DGS is responsible for distributing the 9-1-1 tax funds to all emergency 9-1-1 centers, otherwise known as Public Safety Answering Points (PSAP) for the sole purpose of upgrading 9-1-1 telephone lines and systems every five (5) years. Funding levels are determined by the amount of 9-1-1 all traffic experienced by the PSAP. San Diego Police Communications sustains the PSAP for all 9-1-1 calls placed within the City of San Diego. Based on the previous system installation date of August 1998, Police Communications was eligible to use accumulated tax funds in August 2003. San Diego Communications initiated a request for funding on March 28, 2002 and on October 7, 2002, the State of California authorize SDPD to contract with an appropriate vendor. State funding for this upgrade has been determined to be \$648,096 and will be paid directly to the selected vendor for approved upgrades and service. There is no expenditure of City funds required. There are two methods defined by the State for obtaining an appropriate vendor. Police Communications can initiate a competitive bid, or they can use vendors designated by the Master Purchase Agreement (MPA) developed by the State of California through competitive bid. San Diego Police Communications chose the MPA method, and entertained bids from two of the selected vendors, Pacific Bell (SBC) and Verizon of California. The best offer made by SBC was a project price of \$815,496. The best offer made by Verizon of California was a project price of \$648,000. Based on the monies available, Verizon of California was selected as the vendor under agreement DGS-0026-09. State 9-1-1 recently initiated a new funding process recently that requires the City of San Diego to establish a zero (0) dollar purchase order with the vendor, which specifies the scope of work and project segment pricing.

The purchase order will indicate that invoices are to be sent directly from the vendor to the State of California, DGS, for payment. The State of California then releases the accumulated tax funds as specified. The contract between Verizon of California and the State of California Planned upgrades to the City of San Diego's PSAP are required to receive wireless E9-1-1 cellular calls placed within the City of San Diego jurisdiction, and to ensure the overall telephone system remains viable.

This action authorizes the City Manager to request the State funds be released to Verizon, provide the scope of work to the vendor, and receive the upgrades to the Police Department's 9-1-1 system.

FISCAL IMPACT:

Approval of the Zero Purchase Order requested by the State of California for the 9-1-1 Upgrade to Police Communications' Emergency 9-1-1 Center will have no fiscal impact on the City of San Diego as City funds will not be used. All funding is provided by the State of California from monies collected from the 9-1-1-surcharge tax on all telephone service within the State. All funds paid by the State of California will go directly to Verizon, not to the City, to perform the items detailed in the Scope of Work.

Uberuaga/Lansdowne/MM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Second Amendment to Agreement – Camino Ruiz Neighborhood Park.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-372) ADOPTED AS RESOLUTION R-298539

Authorizing the City Manager to execute a Second Amendment agreement with Schmidt Design Group, Inc., for the design and construction of Camino Ruiz Neighborhood Park;

Authorizing the expenditure of an amount not to exceed \$121,173.68 from CIP-29-756.0, Camino Ruiz Neighborhood Park – Development, Fund No. 79006, Mira Mesa Facilities Benefits, solely and exclusively for the purpose of providing professional services for the above project.

CITY MANAGER SUPPORTING INFORMATION:

The 11 acre park is located South of Penasquitos Canyon at the north end of Camino Ruiz extension, in Mira Mesa Community Area. The proposed project includes site grading, comfort station, children's play area, ballfields, security lights, parking lot, concrete walkways, fencing, signage, irrigation system, and other park amenities. On October 17, 2000, the City of San Diego entered into an agreement with Schmidt Design for professional services necessary for the design of the Camino Ruiz Neighborhood Park. A General Development Plan was established after several meetings with focus groups, which included members of Recreation Council, Area Community Design Review Board, community members and Park & Recreation staff. The General Development Plan was approved by the focus group, Recreation Council, Area Committee and Design Review. Subsequently, residents who live adjacent to the proposed park raised some concerns about the plan. Therefore, a subcommittee has been created which includes members of the Recreation Council and some of the neighbors of the proposed park. Additional funds will replenish the existing contract with the consultant to study and evaluate different alternatives and design the preferred alternative.

FISCAL IMPACT:

The amended total design fee is \$485,853.68. The amount of \$364,684 was previously authorized by R-295639, on October 29, 2001. Funds for this action (\$121,173.68) are available in CIP-29-756.0, Camino Ruiz Neighborhood Park - Development, Mira Mesa Facilities Assessment.

Loveland/Belock/AO

Aud. Cert. 2400202.

FILE LOCATION:

MEET

COUNCIL ACTION:

(Time duration: 2:47 p.m. – 2:49 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: FBA Credit and Reimbursement Agreement for Carmel Valley Trunk Sewer.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-398) ADOPTED AS RESOLUTION R-298540

Authorizing the City Manager to execute a phase funded FBA Credit and Reimbursement Agreement with Western Pacific Housing for the planning, design, and construction of the Carmel Valley Trunk Sewer;

Authorizing the City Manager to execute an Advance Funding Agreement with Western Pacific Housing, Inc., Western Pacific Housing – McGonigle Canyon LLC, Torrey Highlands Retail LLC, Pardee Homes, Black Mountain Ranch LP, Barratt American, Inc., Sea Breeze Investments LLC, and other developers that may be added in the future as deemed necessary by the City Manager, to secure additional private funding for the Carmel Valley Trunk Sewer;

Authorizing the City Auditor and Comptroller to transfer and amount not to exceed \$2,100,000 from Fund 41506, CIP-46-196.9, Montezuma Trunk Sewer and \$224,190 from Fund 41506, CIP-40-933.0, Annual Allocation – MWW Trunk Sewers, to Fund 41506, CIP-46-136.0, Carmel Valley Trunk Sewer East of I-5;

Authorizing the expenditure of an amount not to exceed \$9,021,796 from Sewer Fund 41506, CIP-46-136.0, Carmel Valley Trunk Sewer East of I-5, to provide funds for the above project, of which \$8,386,956 is for the purpose of planning, design and construction under the FBA Credit and Reimbursement Agreement, \$434,840 is for related costs, and \$200,000 for City Forces, providing that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury:

Fiscal Year 2004: \$3,770,000

Fiscal Year 2005: \$5,251,796 contingent on approval of FY05 CIP
budget;

Authorizing the City Manager to receive reimbursement not to exceed \$3,875,950
from FBA funds;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds,
if any, to the appropriate reserves on advice of the administering department.

CITY MANAGER SUPPORTING INFORMATION:

The City has determined that a new trunk sewer is needed to provide capacity for new development in the Black Mountain Ranch, Pacific Highlands Ranch, Torrey Highlands, Del Mar Mesa, and Rancho Penasquitos communities. In addition, the City must replace or repair approximately 2.6 miles of the existing Carmel Valley Trunk Sewer. The City and Western Pacific Housing (WPH) agree that WPH has been actively engaged in the development of their projects and is in position to construct a joint replacement Project at a not to exceed cost of \$8,386,956 for design and construction, of which \$4,900,000 is for the City's share and \$3,486,956 has been identified in the FBA plan for reimbursement to MWW in FY 2010. As a condition of approval, WPH projects and others tributary to the Carmel Valley Trunk Sewer must participate in the incremental cost of upsizing said trunk sewer for their flow through a Facilities Benefit Assessment ("FBA"). The joint project will place the new sewer in the least environmentally sensitive portions of Carmel Valley and will locate the main almost entirely under the access road so that future repairs will not further impact vegetation within the preserve. The existing main which will be abandoned is currently located largely in sensitive habitat and riparian areas and is not contiguous with the existing access road. In addition to the agreement with WPH for \$8,386,956, the City will pay \$434,840 for related costs and \$200,000 for City Forces to complete this work for a total cost of \$9,021,796.

Staff recommends approval of the agreement for the design, construction and funding of the wastewater improvements by WPH, provided the work is completed to the satisfaction of the City Engineer and the Metropolitan Wastewater Department Director, and the City's ultimate cost for this agreement with WPH shall not exceed \$4,900,000.

The total project cost is anticipated to exceed the City's contribution. Additional funding will be provided by interested developers, including Western Pacific Housing-McGonigle Canyon LLC, Western Pacific Housing, Inc., Torrey Highlands Retail, LLC, (McMillin), Pardee Homes, Black Mountain Ranch, LP, and Barratt American. Incorporated, and Sea Breeze Investments, LLC,

based on the EDU's in their respective developments. The City will collect and administer these funds. The developers will be reimbursed through the FBA plan prior to the City receiving reimbursement.

FISCAL IMPACT:

The total estimated cost of this project to the City is \$9,021,796. Funding is available for this project in Sewer Fund 41506, CIP-46-136.0. Funds in the amount of \$3,486,956 are scheduled to be reimbursed to the Sewer Fund 41506 in Fiscal Year 2010. Reimbursement is contingent upon the certification by the City Auditor and Comptroller that FBA revenues are available at the time reimbursement is scheduled.

Uberuaga/Christiansen/BS

Aud. Cert. 2400308.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Otay 2nd Pipeline Leak, Paradise Hills Slope Restoration.

(See memorandum from Larry Gardner dated 10/7/2003. Paradise Hills Community Area. District-4.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-268) ADOPTED AS RESOLUTION R-298541

Authorizing the City Manager to execute two contracts through the Minor Contracting Program for constructing/restoring the slope along the Otay 2nd Pipeline at Paradise Hills Recreation Center for a total expenditure not to exceed \$121,476 from Water Fund 41500, provided that the City Auditor and

Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasury;

Authorizing the City Manager to expend an amount not exceeding \$11,200 from Water Fund 41500 for the use of City force work to support the project, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasury.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/15/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

In January 2001, the slope adjacent to the Paradise Hills Recreation Center began to fail. The slope failure was a result of an undetected slow leak on the City's Otay 2nd Pipeline. Water Department crews have repaired the pipeline and have been securing and maintaining the slope until efforts can be completed to reconstruct the slope.

Reconstruction of the failed slope is necessary to protect the pipeline and to protect an abandoned landfill which lies at the bottom of the slope. The presence of the abandoned landfill has complicated the site analysis and soil testing, drainage design and permitting associated with the remediation work. A geotechnical evaluation and engineering plans and specifications have been completed, and the final shoring and restoration of the failed slope can now proceed.

Two contracts will be awarded through the Minor Contracting Program to reconstruct the slope and to provide landscape installation and maintenance.

FISCAL IMPACT:

The total estimated cost of this project is \$132,676. Funding for this project is available from the Water Fund 41500.

Mendes/Gardner/SM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Coast Boulevard Walkway Improvements – Transfer of Funds.

(La Jolla Community Area. District-1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-422) CONTINUED TO MONDAY, NOVEMBER 24, 2003

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$110,000 from CIP-52-348.0, Coastal Infrastructure Improvement Annual Allocation, Fund No. 102232, TOT Coastal Infrastructure, to CIP-29-486.0, Coast Boulevard Walkway Improvements;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$110,000 from CIP-29-486.0, Coast Boulevard Walkway Improvements, for the change orders required to complete this project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for improvements to Coast Boulevard, between the lifeguard station and People's Wall. The improvements include realigning the street, provide angle parking on the east side of the street, and the construction of a concrete walkway with architectural features such as pebble faced walls, exposed aggregate, colored and contoured concrete, and landscape.

This request is to cover the cost associated with change orders required to complete construction and related costs.

A pedestrian ramp and a number of irrigation components had to be added to this project since a project just north of this project, which was originally going to provide these irrigation components, was delayed. During the street demolition, the contractor encountered concrete as thick as 12 inches which required demolition and disposal beyond the original estimate. This also required additional fill. Unexpected conflicts with a drain structure required extensive drainage

work and structure reconfiguration. These were some of the changes, in addition to other incidental changes, that became necessary to complete the construction of the project.

FISCAL IMPACT:

The estimated cost to pay the change orders and related expenses is \$110,000. Funds for this purpose are available in CIP-52-348.0, Coastal Infrastructure Improvement Annual Allocation, Fund No. 102232, TOT Coastal Infrastructure.

Loveland/Oppenheim/AP

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.; 4:59 p.m.– 5:00 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY PETERS TO RECONSIDER THIS ITEM. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY PETERS TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 24, 2003, FOR FURTHER REVIEW. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Skyline Fire Station No. 32 Land Acquisition.
(Skyline Community Area. District-4.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-408) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to expend an amount not to exceed \$600,000 from CIP-33-089.0, Fire Station No. 32, Skyline (Fund No. 92110), for the acquisition

of property rights to approximately .62 acres of land located at 7180 Skyline Drive, legally described as Lot 113 of Skyline Hills Unit No. 1, Map No. 4052, filed in the Office of the County Recorder of San Diego County, January 8, 1959, and for labor, appraisal, relocation, title, escrow, and miscellaneous costs of acquisition.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the resolution is to provide funds for the acquisition of the property rights of the .62 acre site at 7180 Skyline Drive. This acquisition at 7180 Skyline Drive is the new location for the future construction of Fire Station No. 32 which is currently located at Briarwood Road. The property to be acquired is improved with a gas station which has not been operating as such for approximately 18 years. A Phase I site assessment has been completed. Due to the fact that a gas station previously operated on this site, a Phase II site assessment has also been completed which included boring samples. The results from the Phase II indicate a low level of soil contamination that will not require any remediation. There may be minimal costs for additional soil boring or monitoring wells at the site if the San Diego County Department of Environmental Health requires additional assessment. The complete environmental analysis for the construction of the new fire station, in compliance with CEQA, is expected to be certified within the next three years.

The existing fire station located at 484 Briarwood Road is too small to house the necessary equipment for the district. The new station will be designed for approximately 6,700 square feet and will accommodate six (6) personnel and three (3) apparatus bays and will provide the necessary room for improved vehicle response coverage to handle fire and medical emergencies.

FISCAL IMPACT:

\$600,000 is budgeted in Fund 30244 (CIP), for the purpose of land acquisition and related costs for Fire Station No. 32.

Herring/Griffith/LHG

Aud. Cert. 2400397.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

MOTION BY COMMON CONSENT TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER NEGOTIATIONS. Passed by the following vote: Peters-

yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Appointments to the Historical Resources Board.

(See memorandum from Mayor Murphy dated October 16, 2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-447) ADOPTED AS RESOLUTION R-298542

Council confirmation of the following appointments by the Mayor, to serve as members of the Historical Resources Board, for terms ending as indicated:

<u>Appointments</u>	<u>Term Ending</u>
Dr. Alexander Chuang (Replaces Li-Rong Lilly Cheng, who has resigned)	3/1/2004
Edward Lynch (Replaces Gary Edwards, who has resigned)	3/1/2005

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-29) ADOPTED AS RESOLUTION R-298543

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency regarding the discharge of raw sewage form Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-298) ADOPTED AS RESOLUTION R-298544

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency due to economic circumstances in the San Diego-Tijuana border region

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-111: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-169) ADOPTED AS RESOLUTION R-298545

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- * ITEM-112: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-317) ADOPTED AS RESOLUTION R-298546

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L-State of Emergency due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Award of Contract for Qualcomm Stadium – Fueling Station Upgrades.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-473) ADOPTED AS RESOLUTION R-298547

Authorizing the City Manager to award the contract for upgrades to the fueling station at Qualcomm Stadium to the lowest reliable and responsible bidder, Jenal Engineering Corporation, in the amount not to exceed \$46,830 from Fund No. 30244, CIP-33-084.0, on Work Order No. 001752;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Fiscal Year 2004 Appropriations Ordinance, to amend the Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage, by the amount of \$59,100;

Authorizing the City Auditor and Comptroller to appropriate the amount of \$59,100 from Fund No. 10330 to Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage;

Authorizing the expenditure of an amount not to exceed \$59,100 from Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage, solely and exclusively to provide funds for the above contract, construction, and related costs associated with upgrades to the fueling station at Qualcomm Stadium;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department.
(BID-K041752)

CITY MANAGER SUPPORTING INFORMATION:

Senate Bill 989 (effective January 1, 2000) requires all underground storage tanks (UST) to be tested and certified to meet environmental requirements. Considering the age of the fueling system and the cost of required repairs it was determined to be cost effective to remove the three old UST's at Qualcomm Stadium and replace them with one aboveground storage tank (AST). This will dramatically reduce regulatory oversight and maintenance costs and provide better environmental control of the fueling system. This action provides for executing a construction contract with the low bidder, Jenal Engineering Corp. This project was advertised as bid package K041752 in accordance with Council Policy.

FISCAL IMPACT:

Funds are to be transferred in the amount of \$59,100 from Stadium Fund 10330 to CIP-33-084.0, Underground Hazardous Materials Storage, Fund 30244. Funds will then be expended from CIP-33-084.0, in an amount not to exceed \$59,100.

Loveland/Hays/TWO

Aud. Cert. 2400451.

FILE LOCATION: CONT-Jenal Engineering Corporation; W.O. 001752

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchett-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Award of Contract for Torrey Pines Golf Course – Fueling Station Upgrades.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-472) ADOPTED AS RESOLUTION R-298548

Authorizing the City Manager to award the contract, for upgrades to the fueling station at Torrey Pines Golf Course, to the lowest reliable and responsible bidder, Miller Brooks Environmental, in an amount not to exceed \$38,152, from Fund No. 30244, CIP-33-084.0, on Work Order No. 001756;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Fiscal Year 2004 Appropriations Ordinance, to amend the Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage, by the amount of \$49,152;

Authorizing the City Auditor and Comptroller to appropriate the amount of \$49,152 from Fund No. 41400, Golf Course Enterprise Fund, to Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage;

Authorizing the expenditure of an amount not to exceed \$49,152 from Fund No. 30244, CIP-33-084.0, Underground Hazardous Material Storage, to provide funds for the contract, construction, and related costs associated with upgrades to the fueling station at Torrey Pines Golf Course;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department.
(BID-K041753)

CITY MANAGER SUPPORTING INFORMATION:

Senate Bill 989 (effective January 1, 2000) requires all underground storage tanks (UST) to be tested and certified to meet environmental requirements. Considering the age of the fueling system and the cost of required repairs it was determined to be cost effective to remove the two old UST's at Torrey Pines Golf Course and replace them with one aboveground storage tank (AST). This will dramatically reduce regulatory oversight and maintenance costs and provide better environmental control of the fueling system.

This action provides for executing a construction contract with the low bidder, Miller Brooks Environmental. This project was advertised as bid package #K041753 in accordance with Council Policy.

FISCAL IMPACT

Fund are to be transferred in the amount of \$49,152 from Golf Course Enterprise Fund No. 41400 to CIP-33-840.0, Underground Hazardous Materials Storage, Fund 30244. Funds will then be expended from CIP-33-840.0, in an amount not to exceed \$49,152.

Loveland/Hays/TWO

Aud. Cert. 2400449.

FILE LOCATION: CONT-Miller Brooks Environmental; W. O. 001756

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchett-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Award of Contract for Underground Storage Tank (UST) Removals – Phase 22 at Six (6) City Facilities.

(Oak Park, Golden Hills, and Kearny Mesa Community Areas. Districts-3, 4, 5, and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-448) ADOPTED AS RESOLUTION R-298549

Authorizing the City Manager to award the contract for the removal of underground storage tanks at six City facilities to the lowest reliable and responsible bidder, Miller Brooks Environmental, in an amount not to exceed \$64,847, from Fund No. 30244, CIP-33-084.0 on Work Order Nos. 001754, 001755, and 001758;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Fiscal Year 2004 Appropriations Ordinance, to amend the Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage, by the amount of \$94,847;

Authorizing the City Auditor and Comptroller to appropriate the amounts of \$15,558 from Fund No. 41400; \$37,415 from Fund No. 50030; and \$41,874 from Fund No. 41500, all to Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage;

Authorizing the expenditure of an amount not to exceed \$94,847 from Fund No. 30244, CIP-33-084.0, Underground Hazardous Materials Storage, to provide funds for the above contract, construction, and related costs associated with the removal of underground storage tanks at six City facilities;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department. (BID-K041754)

CITY MANAGER SUPPORTING INFORMATION:

Senate Bill 989 (effective January 1, 2000) requires all underground storage tanks (USTs) to be tested and certified to meet environmental requirements. In response to these increased regulatory requirements, four USTs at City facilities (noted below) will be removed since they are no longer needed since alternate fueling is available. At two other facilities, Chollas Operations Station and Saber Springs Pump Station, the USTs will be removed and replaced with aboveground storage tanks (AST's) which will reduce regulatory oversight and maintenance costs and provide better environmental controls which will greatly reduce the potential for a spill. The installation of the AST's will be done under separate contracts.

This action will provide for the removal of seven USTs at six (6) City facilities. These facilities include: Balboa Golf Course, Miramar Landfill Mini Operations Station, Otay Filtration Plant, San Pasqual Horse Farm, Chollas Operations Station and Saber Springs Pump Station. This action provides for executing a construction contract with the low bidder, Miller Brooks Environmental. This project was advertised as bid package K041754 in accordance with Council policy.

FISCAL IMPACT:

Funds are to be transferred in the amount of, \$15,558 from the Golf Course Enterprise Fund 41400, \$37,415 from Equipment Division Fund 50030, and \$41,874 from Water Utilities

Operation Fund 41500, to CIP-33-084.0, Underground Hazardous Materials Storage Fund 30244. Funds will then be expended from CIP-33-084.0 in an amount not to exceed \$94,847.

Loveland/Hays/TWO

Aud. Cert. 2400454.

FILE LOCATION: CONT-Miller Brooks Environmental; W.O. 001754, W. O. 001755, and 001758

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-116: Award of Contract to Lease Various Heavy Duty Tractor Bulldozers with Full Maintenance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-460) ADOPTED AS RESOLUTION R-298550

Awarding the contract to the low bidder meeting specifications, Hawthorne Machinery Company, San Diego, California, for the lease of various heavy duty tractor bulldozers with full maintenance per Bid No. 6228-04-Z, as may be required for a period of one year beginning November 20, 2003 through November 19, 2004, for an estimated annual cost of \$1,284,416 (including tax), terms Net 30 days; with options to renew the contract for four additional one-year periods; with price escalations not to exceed 4% of prices in effect at the end of each prior contract year;

Authorizing the City Manager in the event the Contractor fails to perform in accordance with the contract specifications, to award the contract to the next low bidder meeting specifications;

Authorizing the estimated FY04 expenditure of \$775,200 from Fund No. 41200, Department No. 752, Organization No. 3101, Object Account No. 4685, Job Order No. 00231, and \$40,800 from Fund No. 41200, Department No. 752,

Organization No. 3101, Object Account 4685, and Job Order No. 002315, solely and exclusively for providing funds for said contract, and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract to Hawthorne Machinery Company for the Lease of Various Heavy Duty Tractor Bulldozers with Full Maintenance, Bid No. 6228-04-Z, for a period of one (1) year beginning November 20, 2003 through November 19, 2004, for an estimated annual cost of \$1,284,416 (including tax); terms net 30 days; with options to renew the contract for four (4) additional one (1) year periods; with price escalations not to exceed 4% of pricing in effect at the end of each prior contract year. The estimated cost for Fiscal Year 2004, including tax, is \$816,000. This contract will replace an existing contract with Clairemont Equipment Company (Bid No. 5283-02-B, Items 1 and 2) which has four optional contract years remaining. Due to significant changes in the specifications of this existing contract, Environmental Services and Purchasing opted to re-bid this contract.

Sixty-three (63) potential bidders were contacted and two (2) bids were received. Award is recommended to the low bidder meeting specifications, Hawthorne Machinery Company, San Diego, CA.

FISCAL IMPACT:

FY04 Estimated Lease Cost, including tax (November 20, 2003 - June 30, 2004): \$816,000.

Estimated Annual Lease Cost, including tax (November 20, 2003 - November 19, 2004).
\$1,284,416.

Loveland/Baldwin/WR

Aud. Cert. 2400427.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-117: Award of Contract to Purchase Breathing Apparatus and Associated Parts on behalf of Fire – Rescue Department.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-474) ADOPTED AS RESOLUTION R-298551

Awarding the contract to the low bidder meeting specifications, Scott Health & Safety, Monroe, North Carolina, for the purchase of Breathing Apparatus and Associated Parts per Bid No. 6382-04-Q, for an estimated cost of \$1,091,653.79 (including tax), terms Net 30 days, and authorizing the Purchasing Agent to execute a contract pursuant to such terms;

Authorizing the expenditure of \$347,364.24 from Fund No. 100, Department No. 120, Organization No. 2200, Object Account No. 6017, and Job Order No. 004100; and \$744,289.55 from Fund No. 18825, Object Account No. 6017, and Job Order No. 018825, solely and exclusively for providing funds for said contract, and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to award a contract for the purchase of Breathing Apparatus and Associated Parts, Bid No. 6382-04-Q, for an estimated annual cost of \$1,091,653.79, including tax, terms net 30 days.

Breathing Apparatus are self-contained air canisters which provide firefighters with an independent source of oxygen and protective masks so firefighters will not suffer from smoke inhalation and inhalation of toxic pathogens.

Seven (7) potential bidders were contacted, two (2) bids were received on September 12, 2003. The recommendation is to award the contract to Scott Health & Safety, Monroe, NC, the low responsive and responsible bidder meeting all specifications. The only other bid received met all specifications but pricing is approximately 12% higher.

FISCAL IMPACT:

FY04 Estimated Cost, including tax: \$1,091,653.79.

Loveland/Baldwin/WR

Aud. Cert. 2400425.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: Lease Agreement with San Diego Indoor Soccer, Inc.

(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-436) ADOPTED AS RESOLUTION R-298552

Authorizing the City Manager to execute a fifteen-year lease agreement with San Diego Indoor Soccer, Inc., for approximately two acres on the roof of the University Heights Reservoir for the operation and maintenance of a tennis, roller hockey, and/or soccer complex open to the general public, at an initial rent of \$36,000 per year.

CITY MANAGER SUPPORTING INFORMATION:

Proposed for approval is a new 15-year lease with San Diego Indoor Soccer. This company leases the roof of the University Heights Reservoir in North Park for use as a sports complex. The current 20-year lease has expired and is now on holdover. Originally developed with tennis courts, the facility now has soccer and roller hockey arenas. In April 2003, the LU&H Committee approved exclusive lease negotiations with the present lessee, which operates over 20 similar sports complexes nationwide.

The development plan of the new lease requires San Diego Indoor Soccer to expend \$242,000 within two years on leasehold improvements including revamped soccer fields and ADA upgrades to improve access, such as a wheelchair lift. The lessee will continue to do all maintenance of the leased premises and will additionally maintain the landscaping between the public sidewalks and the sides of the reservoir. Yearly rent under the new lease will increase from the current \$25,180 to \$36,000, subject to periodic increases. The entire reservoir property, which covers a city block of 2.47 acres, is valued at \$3.3 million. The roof area portion used as the sports complex occupies about two of those acres and is valued at about \$350,000. The Water Department concurs with the terms of the proposed new lease.

FISCAL IMPACT:

Rent of \$36,000 per year will be deposited into the Water Department Operating Fund 41500.

Herring/Griffith/PTC

FILE LOCATION: LEAS-San Diego Indoor Soccer, Inc.

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-119: Sewer Pump Stations 52 and 53 – Easement Acquisitions.

(Harbor Island Community Area (Port District). District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-465) ADOPTED AS RESOLUTION R-298553

Authorizing the City Manager to accept an Easement Deed executed by the San Diego Unified Port District conveying to the City of San Diego sewer easements across a portion of the San Diego Unified Port District's real property, in conjunction with the Sewer Pump Stations 52 and 53 Force Mains Capital Improvement Project;

Authorizing the City Manager to expend an amount not to exceed \$9,000 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation – Sewer Pump Station Restorations, for staff labor and other miscellaneous charges associated with the acquisition of the sewer easement rights required for the Sewer Pump Stations 52 and 53 Force Mains Capital Improvement Project.

CITY MANAGER SUPPORTING INFORMATION:

The City's Capital Improvement Project proposes upgrades to a number of sewer pump stations including Pump Stations 52 and 53 on Harbor Island located within the San Diego Unified Port District Tidelands. As a part of the proposed project the City is acquiring sewer easements from the Port District for the two pump stations.

This action authorizes the City Manager to accept two Easement Deeds executed by the Port District in favor of the City. While there is no cost to the City for the actual property rights being acquired, an amount not to exceed \$9,000 is being authorized to pay accumulated City staff labor charges and miscellaneous costs associated with the acquisition.

FISCAL IMPACT:

Funds in the amount of \$9,000 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation – Sewer Pump Station Restorations to cover accumulated staff labor charges and miscellaneous costs associated with the acquisition of the property rights.

Herring/Griffith/SAC

Aud. Cert. 2400442.

FILE LOCATION: DEED F-9621

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-120: Ratifying the Election Results of October 7, 2003, for the College Community Redevelopment Project (PAC).

(See City Manager Report CMR-03-220. College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-418) ADOPTED AS RESOLUTION R-298554

Ratifying the election results of October 7, 2003, for the College Community
Redevelopment Project, Project Area Committee (PAC).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed
by the following vote: Peters-yea, Zucchett-yea, Atkins-yea, Lewis-yea, Maienschein-
yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-121: Establishment of Fund 10156 for the 2004 International City/County Management
Association (ICMA) Conference.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-459) ADOPTED AS RESOLUTION R-298555

Authorizing the City Auditor and Comptroller to create a Special Fund No.
101056, 2004 ICMA Conference, for purposes of receiving and disbursing all
contributions designated and received for the purpose of hosting the International
City/County Management Association (ICMA) Annual Conference in October
2004;

Authorizing the return of any residual balance following completion of the
conference to the local management organization, City/County Management
Association (CCMA).

CITY MANAGER SUPPORTING INFORMATION:

The International City/County Management Association (ICMA) is the professional and

educational organization for chief appointed managers, administrators, and assistants in cities, towns, counties, and regional entities throughout the world. ICMA has existed since 1914, has nearly 8,000 members, and its mission is to create excellence in local government by developing and fostering professional local government management worldwide.

ICMA holds a conference for its members annually and the 2004 conference has been awarded to San Diego. Deputy City Manager Bruce Herring is the chairperson of the 2004 Host Committee, which is composed of members of the local management organization, CCMA (City/County Management Association), who are representatives of the County and the various cities throughout San Diego County. The Host Committee will be responsible for generating approximately \$200,000 through fundraising and corporate sponsorship to underwrite the cost of fulfilling its obligation for hosting the conference.

A separate fund is necessary to receive and disburse all contributions designated for the purpose of hosting the 2004 ICMA Conference. It is recommended that Fund 10156, 2004 ICMA Conference, be created for this purpose. Any residual balance following completion of the conference will be returned to the local management organization, CCMA.

FISCAL IMPACT:

None.

Herring/LKC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-122: Unnamed Easement Vacations in Parcel Map No. 17166 and Map No. 3253.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-397) ADOPTED AS RESOLUTION R-298556

Vacating the City's interest in unnamed easement in Parcel 1 of Parcel Map No. 17166; Lots 6, 7, and 9, Block 38 and Lots 1-6, Block 45 of Map No. 3253.

CITY MANAGER SUPPORTING INFORMATION:

City staff is recommending to the City Council the vacation of an unnamed easement located southwesterly of Genesee Avenue and State Highway 163 in the Linda Vista Community Plan area in Council District 6. This unnamed easement is most likely a utility easement and is no longer needed because all utilities are now located in the street. The adjacent property owners have requested its vacation. The easement is shown on Engineering Drawing No. 20021-B. The easement was acquired at no cost to the City on Linda Vista Subdivision Unit No. 8, Map No. 3253.

FISCAL IMPACT:

None.

Ewell/Broughton/GB

FILE LOCATION: DEED F-9622

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-123: Joint Use Agreement Between The City of Chula Vista and The City of San Diego

(Otay Mesa, Otay Mesa-Nestor, and San Ysidro Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-451) ADOPTED AS RESOLUTION R-298557

Authorizing the City Manager to execute a Joint Use Agreement by and between the City of Chula Vista and the City of San Diego (Agreement), regarding the construction, operation, and maintenance of utility facilities within a shared easement area.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego (City) and the City of Chula Vista (Chula Vista) have constructed two major projects in the Otay Mesa area, the City's South San Diego Pipeline No. 2 (SSDPL#2) and Chula Vista's Salt Creek Gravity Sewer Interceptor (SCGSI). During the design of SCGSI, Chula Vista determined that its optimal alignment included a portion of the SCGSI sharing a 225,996 square foot (SF) easement with the existing SSDPL#2. The City extensively reviewed and commented on Chula Vista's plans to construct the SCGSI through the easement and has no objections to Chula Vista's request to share the easement. The easement travels through land owned by the Stephen and Mary Birch Foundation within the City of Chula Vista. The City and Chula Vista have each obtained easements from the Birch Foundation. Construction of the sewer interceptor through the easement is complete.

This Joint Use Agreement will establish the rights and obligations of the City and Chula Vista in the construction, operation, and maintenance of each entity's water facilities and appurtenances within the shared easement or Joint Use Area. The Joint Use Area is legally defined in Exhibit "A" and Exhibit "B" of the Agreement.

The Joint Use Agreement was approved and signed by Chula Vista's City Council on June 3, 2003. The Agreement will be considered executed upon approval of the City of San Diego City Council. Once executed it will be recorded with San Diego County Recorder's Office.

Mendes/Gardner/MKS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-124: South Bay Traffic Signal Interconnect.

(Greater Golden Hill and Otay Mesa Nestor Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-454) ADOPTED AS RESOLUTION R-298558

Approving the plans and specifications for the construction of the South Bay Traffic Signal Interconnect (Project) on Work Order No. 623070;

Authorizing the City Manager, after advertising for bid in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,441,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to increase the Fiscal Year 2004 Capital Improvements Program Budget by \$500,000 for CIP-62-307.0, South Bay Traffic Signal Interconnect; and

Authorizing the City Manager to apply for modification to Program Supplement No. 017-M, to the Local Agency-State Agreement for Federal Aid Project Number 11-5004 (084) and accept an additional \$300,000 of Congestion Mitigation and Air Quality Funds (CMAQ) for CIP-62-307.0, South Bay Traffic Signal Interconnect;

Authorizing the City Manager to enter into a cooperation agreement between the City of San Diego, the City of Chula Vista, and National City, for the installation, maintenance, and sharing of the fiber optic cables installed under the Project scope;

Authorizing the City Manager to accept an amount up to \$200,000 into CIP-62-307.0, Fund 63022, from the City of Chula Vista, for the purpose of installing additional fiber optic cables within the City of Chula Vista as part of the Project scope;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$650,000 for CIP-62-307.0, of which up to \$200,000 is from Fund 63022, Contribution from the City of Chula Vista, \$150,000 is from Sewer Fund 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), and \$300,000 is from Fund 38681, CMAQ, contingent upon a fully

executed program supplement and revised FMN-76, exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-03552)

CITY MANAGER SUPPORTING INFORMATION:

This multi-agency project will install one fiber optic cable consisting of 96 fiber strands along 30th Street, 32nd Street, and Main Street to the City limits, through National City and Chula Vista and back into the City of San Diego along Beyer Boulevard to Coronado Avenue. Some of the 96 fiber strands within the cable will be shared among the participating agencies and some will be designated to each agency for their exclusive use. The new cable will allow City of San Diego staff to monitor and communicate to traffic signals in the San Ysidro and Otay Mesa/Nestor communities from the City's Traffic Management Center. This project will also allow for future communication between the participating agencies' Traffic Management Centers, and future traffic signal coordination across jurisdictional boundaries.

The Metropolitan Wastewater Department is also a partner in this project and will be using 24 of the 96 fibers to monitor and remotely control the Grove Avenue Pump Station, the Otay Pump Station, and the South Bay Water Reclamation Plant.

The City of Chula Vista is contributing additional funding to the project for the installation of an additional 192 fiber strands within their city limits for their own future communication needs.

A cooperation agreement between the City of San Diego, National City, and the City of Chula Vista contains details regarding the installation, sharing and maintenance of the fiber optic cable.

FISCAL IMPACT:

The project was previously authorized for a total of \$1,411,000 (R-292200) of Federal (CMAQ) grant funding. This action will authorize the project to go to construction and authorize the appropriation and expenditure of \$300,000 of additional Federal grant funding, and an additional \$200,000 from the City of Chula Vista, and an additional \$150,000 from CIP-45-920.0, Fund No. 41509, to fund the Metropolitan Wastewater Department portion of the project.

Loveland/Belock/PB

Aud. Cert. 2400440.

FILE LOCATION: W. O. 623070

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-125: Amendments to Expand the Metropolitan Enterprise Zone.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-455) ADOPTED AS RESOLUTION R-298559

Authorizing the City Manager to amend the boundaries of the Metropolitan Enterprise Zone which were approved in Resolution R-296596 adopted June 4, 2002, and Resolution R-296933 adopted on August 5, 2002, to incorporate the boundary changes;

Authorizing the City Manager to amend the Imperial Marketplace expansion, which included non-commercial/non-industrial zoned property in Resolution R-296168 adopted on March 18, 2002, correcting the acreage from 45 acres to 35.53 acres;

Authorizing the City Manager to submit documents to the California Technology, Trade & Commerce Agency to expand the Metropolitan Enterprise Zone (pursuant to California Government Code section 7070) reflecting the amended boundaries.

CITY MANAGER SUPPORTING INFORMATION:

In 2002, the San Diego City Council adopted three resolutions authorizing the City Manager to submit documents to the California Technology, Trade and Commerce Agency to expand the

boundaries of the Metropolitan Enterprise Zone. On June 4, 2002, Resolution R-296596 was adopted authorizing the City Manager, or his designee, to submit documents to expand the Metropolitan Enterprise Zone. This expansion, bounded by Pacific Highway, Laurel Street, Harbor Drive, and Hawthorne Street, was for 27.12 acres. On August 5, 2002, Resolution R-296933 as adopted authorizes the City Manager, or his designee, to submit documents to expand the Metropolitan Enterprise Zone to additionally include several parcels within the Centre City Community Plan. This expansion totaled 16.63 acres. City staff working with California Technology, Trade and Commerce Agency staff is now proposing modifications to the above referenced expansion to better serve the business community and maximize the expansion capacity available.

While the revised boundaries capture all of the opportunity sites referenced in the original boundary expansions, the new route also captures additional businesses along Broadway and India Street availing Enterprise Zone business incentives to many more businesses along these two business corridors. The total amended expansion acreage for the Metropolitan Enterprise Zone is 69.64 acres.

Additionally, non-commercial/non-industrial zoned property for a total of 9.47 acres was included in the Imperial Marketplace expansion, Resolution R-296168 adopted on March 18, 2002. Only commercial and industrial zoned property is eligible for inclusion in Enterprise Zone expansions per Government Code 7073.8 (c) (2) (A). The amended resolution corrects the acreage from 45 acres to 35.53 acres.

In summary, in order to enhance job creation and retention opportunities and encourage new private investment in the Metropolitan Enterprise Zone, both City staff and Technology, Trade and Commerce Agency staff support the amended expansion boundaries. The modified expansions proposal would increase from 43.75 acres to 69.64 acres leaving 35.87 acres available for future expansions.

FISCAL IMPACT:

None.

Herring/Cunningham/LM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:09 p.m. – 6:11 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-126: Agreement with the San Diego Water Authority for Surface Storage Operating Enhancements.

(See memorandum from Larry Gardner dated 10/7/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-51) ADOPTED AS RESOLUTION R-298560

Authorizing the City Manager to execute an Agreement between the City of San Diego and the San Diego County Water Authority for Surface Storage Operating Enhancements.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/15/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

The Metropolitan Water District of Southern California (MWD) and the San Diego County Water Authority (CWA) recently approved an agreement for the Surface Storage Program (Program). The overall intent of the Program is to improve the reliability of the imported water system to the region by shifting imported treated water demands from peak periods to off-peak periods through utilization of surface storage in San Diego County. In order to participate in the Program, the City of San Diego (City) and CWA must enter into an agreement to manage and implement the Program locally.

This five-year Program is intended to shift imported water demands of the imported treated water aqueduct system from peak to off-peak periods, while maximizing the use and efficiency of local surface water reservoirs. Imported water will be stored in local surface reservoirs during the November to May lower water demand period. The stored water will then be withdrawn for local use during the higher treated water demand period of June through October, thereby "shifting"

demands on the imported water aqueduct system under this Program. MWD assumes storage operational losses due to evaporation, leakage and spills for water stored.

The City and other participating local water agencies will receive a \$70 per acre-foot (AF) discount for water "shifted" through this Program. An additional \$35 per acre foot discount (\$105/AF Total Discount) may also be achieved if MWD makes an additional request to participating member agencies to further decrease their treated water demands during specific high demand events which may last up to 7 days. The City will maximize its participation in this Program and expects to shift between 25,000 AF and 35,000 AF of water per year, depending on availability. This will result in annual savings to the City of between \$1.75 million and \$2.5 million.

FISCAL IMPACT:

CIP Number not applicable. With the City's projected total acre feet of shift, annual savings to the City can result between \$1.75 and \$2.5 million.

Mendes/Gardner/KF

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-127: Grant Application for Fenton Pond/Otay Valley Regional Park Trails Improvement.

(Otay Mesa and Otay Nestor Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-415) ADOPTED AS RESOLUTION R-298561

Authorizing the City Manager to apply to the State of California Department of

Parks and Recreation Regional Trails Program (CPRT) for the grant for the Project;

Authorizing the City Manager to take all necessary actions to secure the grant and to negotiate and execute all agreements necessary to comply with the CPRT's grant requirements;

Authorizing the City Manager to accept the grant if it is secured;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the grant;

Authorizing, upon receipt of a fully executed grant agreement, the addition of CIP-29-860.0, Otay Valley Regional Park Trail Improvement Project, to the Fiscal Year 2004 Capital Improvements Program Budget;

Authorizing, upon receipt of a fully executed grant agreement, an increase of \$200,000 to the FY04 Capital Improvement Program Budget, CIP-21-860.0, Otay Valley Regional Park Trails Improvement Project;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend an amount not to exceed \$200,000 from CIP-29-860.0, Otay Valley Regional Park Trail Improvement Project;

Certifying that the City of San Diego has, or will have, prior to commencement of work on this Project, sufficient maintenance funds.

CITY MANAGER SUPPORTING INFORMATION:

This request authorizes the City Manager, or his representative, to apply for grant funding under the Regional Trails Program, which provides funding for the development, improvement, restoration and enhancement of trails and associated supporting facilities. This program is administered by the State of California Department of Parks and Recreation. In the fall of 2003, \$2.2 million is available statewide through a competitive grant program funded by the Federal Transportational Equity Act for the 21st Century.

After reviewing the program criteria, Park and Recreation staff identified the Otay Valley Regional Park Trails Improvement Project as a competitive proposal within the grant guidelines. The Otay Valley Regional Park Concept Plan identifies a regional trail system within a natural open space as a major element of the regional park. If funded, this improved trail and associated facilities will be located west of Beyer Blvd. It will include a ten (10) car staging area (off-street

parking), improvement of a 620 foot long section of the proposed regional trail system, provide a 1,900 foot long overlook trail branch off the regional trail to viewing areas, with interpretive kiosks, of an existing pond and provide for a 1,100 foot loop trail. This entire project will be ADA (Americans with Disabilities Act) accessible.

FISCAL IMPACT:

If the grant is secured, the City of San Diego will receive \$200,000 to complete the trail project. The City will provide a 20 percent match with in-kind work performed by volunteers. The trail will be maintained through the City's Open Space Park budget for the Otay Valley Regional Park, using regularly budgeted staff time and volunteers. No extraordinary costs are foreseen and no increase to currently budgeted levels are anticipated.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-128: Application to the State of California Department of Housing and Community Development for Funding up to \$2,000,000 under the Local Housing Trust Fund Program.

(See San Diego Housing Commission Report HCR-03-084.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-357) ADOPTED AS RESOLUTION R-298562

Delegating responsibility to the San Diego Housing Commission's Chief Executive Officer (CEO), or designee, to make application to the State of California Department of Housing and Community Development (HCD) to participate in the Local Housing Trust Fund (LHTF) Program, for an allocation of

up to \$2,000,000, to receive such funding, to amend the Housing Commission budget, and to administer the LHTF Program on behalf of the City of San Diego;

Directing the CEO to submit to HCD an application to participate in the LHTF Program in response to the Notice of Funding Availability (NOFA) issued August 18, 2003, and any subsequent NOFAs issued, and to request a funding allocation for rental housing production activities in the City of San Diego;

Declaring that if the application for funding is approved, the City of San Diego shall use the LHTF Program funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program guidelines;

Authorizing the CEO to execute in the name of the City of San Diego, the application, the Agreement, and all other documents required by HCD for participation in the LHTF Program, and any amendments thereto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-129: Approval and Reprogramming of Community Development Block Grant Funds.

(See Southeastern Economic Development Corporation Report SEDC-03-008.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2004-479) ADOPTED AS RESOLUTION R-298563

Approving the reprogramming of \$110,000 of Community Development Block Grant Funds from the Southcrest Redevelopment Project Area to the Central Imperial Redevelopment Project Area Special Fund.

NOTE: See the Redevelopment Agency Agenda of 11/3/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-130: Application for State Exterior Accessibility Grants for Renters (EAGR) Program.

(See San Diego Housing Commission Report HCR-03-092.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-452) ADOPTED AS RESOLUTION R-298564

Authorizing the San Diego Housing Commission (Commission) to submit to California Department of Housing and Community Development (HCD) an application to participate in the EAGR program in response to the Notice of Funding Availability (NOFA) issued on October 6, 2003, which will request a funding allocation for the following:

Using the HCD funding allocation in the amount of \$500,000, the Commission proposes to provide grants to lower-income tenants with disabilities for the purpose of making exterior modifications to approximately 100 rental housing units located within the boundaries of the City of San Diego, making them accessible to persons with disabilities;

Declaring that, if the application for funding is approved, the Commission shall use the EAGR funds for eligible activity in the manner presented in the application, as approved by HCD, and in accordance with EAGR program guidelines;

Authorizing the Chief Executive Officer or Chief Operating Officer of the Commission to execute in the name of the City of San Diego, the application, the

Standard Agreement, all other documents required by HCD for participation in the EAGR program, and any amendments thereto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:13 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Declaring a State of Local Emergency and Waiving Rule 30 of the Permanent Rules of the City Council, of the San Diego Municipal Code Section 22.0101.

MAYOR MURPHY’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-488) ADOPTED AS AMENDED AS RESOLUTION R-298565

Declaring a state of local emergency exists in the City of San Diego due to the Cedar Fire, the Paradise Fire and the Otay Fire, and that such declaration is hereby deemed to be retroactive to the date of Saturday, October 25, 2003, when these wildfires began to burn out of control, pursuant to California Government Code Section 8630; and

Ratifying and approving, in accordance with the police powers vested in City Officials under the Constitution of the State of California, the City Charter, and the laws of this State including the aforementioned Government Code provisions, that all orders and regulations promulgated, issued and carried out by City officers and City officials from Saturday, October 25, 2003, until the passage of this resolution which were necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries to preserve the public order and safety;

Waiving Rule 30 of the Permanent Rules of the City Council, of the San Diego Municipal Code Section 22.0101 with respect to preparation and distribution of docket materials for the Regular Meeting of the City Council scheduled for Monday, November 3, 2003 and Tuesday, November 4, 2003, due to the

cancellation of the regular meeting of the City Council on Monday, October 27, 2003, and closure of City offices due to the emergency.

FILE LOCATION: GEN'L-Local Emergency due to the Cedar Fire, the Paradise Fire and the Otay Fire

COUNCIL ACTION: (Time duration: 3:11 p.m.- 4:28 p.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION AS AMENDED TO DIRECT THE CITY MANAGER AS REQUESTED BY COUNCIL AND THE MAYOR TO INVESTIGATE AND REPORT BACK WITHIN THIRTY DAYS REGARDING THE FOLLOWING:

- 1) REQUIREMENT OF FIREPROOF ROOFS ON NEW CONSTRUCTION AND RECOMMENDATIONS ON DEALING WITH SHAKE SHINGLE ROOFS, AS WELL AS TO INVESTIGATE THROUGH OUR LEGISLATIVE DELEGATION OBTAINING LOW INTEREST RATE LOANS TO ASSIST THE PUBLIC THAT WANT TO REPLACE THEIR SHAKE SHINGLE ROOFS.
- 2) BRUSH MANAGEMENT REQUIREMENTS, AND THE REVIEW OF ALL CANYONS AND OPEN SPACE CITY WIDE.
- 3) PROVIDING ENHANCED AERIAL FIREFIGHTING SUPPORT FOR THE REGION OR THE CITY.
- 4) DEVISE A PLAN FOR MUDSLIDE AND EROSION CONTROL MEASURES FOR THE BEST MANAGEMENT PRACTICES POSSIBLE.

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Four actions related to the Municipal Primary Election and Special Municipal Election on March 2, 2004.

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the ordinances in Subitems A and B; adopt the resolutions in Subitems C and D:

Subitem-A: (O-2004-39) INTRODUCED AND ADOPTED AS
ORDINANCE O-19234 (New Series)

Introduction and adoption of an Ordinance calling a Municipal Primary Election in the City of San Diego on Tuesday, March 2, 2004, for the purpose of nominating Mayor, City Attorney, and Councilmembers for Districts 1, 3, 5, and 7 candidates, or electing a Mayor, City Attorney, and/or Councilmembers for Districts 1, 3, 5, or 7, if a candidate receives a majority of the votes cast for the office. The election shall be consolidated with the California State Primary Election to be held on the same date.

Subitem-B: (O-2004-54) INTRODUCED AND ADOPTED AS ORDINANCE
O-19235 (New Series)

Introduction and adoption of an Ordinance calling a Special Municipal Election in the City of San Diego on March 2, 2004, for submitting to the qualified voters of the City of San Diego one or more ballot propositions and consolidating the Special Municipal Election with the Statewide Primary Election to be held on the same date.

Subitem-C: (R-2004-378) ADOPTED AS RESOLUTION R-298566

Requesting the Board of Supervisors to consolidate the Municipal Primary Election to be held in the City of San Diego on March 2, 2004, with the Statewide Primary Election to be held on the same date;

Authorizing and directing the City Auditor and Comptroller to make payments to the Registrar of Voters.

Subitem-D: (R-2004-486) ADOPTED AS RESOLUTION R-298567

Requesting the Board of Supervisors to consolidate the Special Municipal Election to be held in the City of San Diego on March 2, 2004, with the Statewide Primary Election to be held on the same date;

Authorizing and directing the City Auditor and Comptroller to make payments to the Registrar of Voters.

SUPPORTING INFORMATION:

This is to request that the City Council adopt ordinances calling a Municipal Primary Election and a Special Municipal Election, as well as resolutions requesting the consolidation of these elections with the Statewide Primary Election to be held on March 2, 2004. The resolutions for both the Municipal Primary and Special Municipal Election requesting consolidation include a request for the services of the Registrar of Voters.

The Municipal Primary Election will be held for the purpose of conducting elections for Mayor, City Attorney, and Councilmembers for Districts 1, 3, 5, and 7. The Special Municipal Election will be held for the purpose of conducting election for any and all propositions the Council approves for placement on the ballot.

Abdelnour

Aud. Cert. 2400355.

FILE LOCATION: SUBITEMS A, B, C, & D: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. - 2:34 p.m.)

MOTION BY ATKINS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES IN SUBITEMS A AND B, AND TO ADOPT THE RESOLUTIONS IN SUBITEMS C AND D. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Ratifying the Election Results of October 22, 2003, for the North Bay Redevelopment Project Area Committee.

(See City Manager Report CMR-03-222. Linda Vista, Mission Valley, Uptown, Old Town, Peninsula, Midway, and Clairemont Mesa Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-476) ADOPTED AS RESOLUTION R-298568

Approving the North Bay Redevelopment Project Area Committee, consisting of persons named on the list of Project Area Committee members receiving the highest number of votes as constituting a representative Project Area Committee;

Declaring that Council concurs that the election results of October 22, 2003 are valid and binding in accordance with Procedure for Formation of a PAC for the North Bay Redevelopment Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:34 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: The San Diego Foundation Donation for Skyline Hills Branch Library.

(Skyline Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-458) CONTINUED TO MONDAY, NOVEMBER 17, 2003

Authorizing the City Manager to accept the generous gift of \$3.5 million from the San Diego Foundation Hervey Family Fund under the terms and conditions outlined in the letter from the San Diego Foundation dated September 29, 2003, to be deposited in the Library Improvements Trust Fund, No. 10356, for the purpose of constructing the Skyline Hills/Mae Bell Page Library;

Authorizing the City Auditor and Comptroller to appropriate and expend \$3.5 million of the donation to the Capital Improvements Program No. 35-107.0, Skyline Hills Branch Library, provided that an Auditor's Certificate is furnished demonstrating that funds for such obligations are, or will be, deposited in the City Treasury;

Authorizing the naming of the library to be the Skyline Hills/Mae Bell Page Library, per the terms and conditions outlined in the September 29, 2003 letter;

Authorizing a \$1 million dollar increase to the Fiscal Year 2004 budget, Capital Improvement Program No. 35-107.0, Skyline Hills Branch Library.

CITY MANAGER SUPPORTING INFORMATION:

The existing 4,400 square foot Skyline Hills Branch Library, located at 480 S. Meadowbrook Drive is too small to meet the community's needs. This project provides for a 19,400 square foot library on land adjacent to the existing facility using the existing Skyline Hills Branch Library, which will be renovated for community meeting space. The new library will include reading areas, a children's area, computer lab, community and meeting rooms, audiovisual facilities, and other related areas.

The San Diego Foundation Hervey Family Fund will be making a \$3.5 million gift to the City of San Diego for the renovation and expansion of the Skyline Hills Branch Library, per the recommendation of Matthew Hervey. This action authorizes the City Manager to enter into an agreement with the San Diego Foundation for this charitable gift. City and other funds will be available for the completion of the project design and administration, books, equipment and furnishings. The facility will be named the Skyline Hills/Mae Bell Page Library per the terms and conditions outlined in the September 29, 2003, letter from the San Diego Foundation.

FISCAL IMPACT:

The total project cost is estimated to cost \$11.5 million. The \$3.5 million gift will be deposited into the interest-bearing Library Improvements Trust Fund #10356 until the money is required for library construction.

Herring/Tatar/DP

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:09 p.m.)

MOTION BY LEWIS TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 17, 2003, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Two actions related to Mira Sorrento Place – Scranton Road to Vista Sorrento Parkway.

(See City Manager Report CMR-03-217. Mira Mesa Community Area.
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-416) ADOPTED AS RESOLUTION R-298569

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the acquisition of property for the Mira Sorrento Place-Scranton Road to Vista Sorrento Parkway Project and that the public interest, convenience and necessity demand the acquisition of the road right of way in fee, easements, and temporary construction areas from five separate property owners; four of the five affected property owners have accepted the City's offer to acquire their property; one affected property, comprised of two parcels, is still necessary to complete the Project and is owned by the Papillion Retirement Trust;

Declaring the intention of the City to acquire the property under eminent domain proceedings to condemn, acquire, and obtain prejudgment possession of the property for the use of the City of San Diego;

Directing the City Attorney to commence an eminent domain action in the Superior Court of the State of California, County of San Diego, for the purpose of condemning the property and acquiring immediate possession.

NOTE: 6 votes required.

Subitem-B: (R-2004-475) ADOPTED AS RESOLUTION R-298570

Authorizing the expenditure of an additional amount, not to exceed \$400,000, from CIP-52-676.0, Mira Sorrento Place-Scranton Road to Vista Sorrento Parkway Project, Fund 79006, Facilities Benefit Assessment, for the acquisition of the real estate property rights, labor, condemnation litigation, and related acquisition costs, as required for the Project.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:35 p.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-205: Two actions related to State Water Resources Control Board (SWRCB) Low Interest Loans.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2004-47) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 17, 2003

Introducing an Ordinance authorizing the City Manager to apply for, enter into, conduct all negotiations for, and execute and comply with all loans requirements regarding matching funding to fund zero-interest SRF loans, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to enter into specified SRF loans for the Point Loma S1 and S2 Upgrades Project, CIP-46-218.0 in an amount not to exceed \$13,600,000;

Declaring that the Net System Revenues (as defined in the Master Installment Purchase Agreement, dated as of September 1, 1993, between the City and the Public Facilities Financing Authority of the City of San Diego, as originally executed and as it may from time to time be amended or supplemented in accordance with the provisions thereof), are hereby designated as the dedicated source of funds for repayment of the above SRF loans made by the SWRCB, and shall remain so until such time as the loans are fully repaid, unless change of such dedication is approved by the SWRCB;

Declaring that consistent with the authority granted by Resolution R-288425, the City Manager may execute the documents for the loans accepted by this ordinance.

NOTE: Six votes required.

Subitem-B: (R-2004-439 Cor. Copy) ADOPTED AS RESOLUTION R-298571

Declaring that the City hereby provides the necessary state matches in the amount of \$2,400,000 for the Point Loma S1 and S2 Upgrade Project, SRF Loan Number C-06-4540-110;

Declaring that the City hereby provides the State match for administrative fee in an amount not to exceed 0.575 percent of the eligible project cost, if requested, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury;

Declaring that the City hereby establishes a match account for the Project and deposits sufficient funds to make such match payments to contractors on the above Project;

Declaring that the City hereby provides certification with progress payments certifying that payment has been made to contractors on the above Projects;

Declaring that the City hereby provides copies of canceled checks to the State Water Resources Control Board documenting payments.

CITY MANAGER SUPPORTING INFORMATION:

The State Water Resources Control Board's State Revolving Fund (SRF) is a low interest loan program that allows municipalities and wastewater agencies to obtain loans for construction of wastewater capital projects. Currently, the City has contracted and/or approved with the State for thirteen loans in an amount totaling approximately \$150 million. Of the various loan programs, the City has elected to participate in the "zero/low" interest program. This program is comprised of Federal and State funds. The participating municipalities have the option to pay the state's share of the loan (16.7%) in return for a zero-interest, thereby allowing the state to have more funds available for other applicants. The "zero-interest" is applied over the loan repayment period of 20 years. The savings are significant when compared to traditional bond funding of capital projects.

In order to obtain these loans, the State requires certain authorizations in the form of an Ordinance and Resolution from the governing body, in our case the San Diego City Council. The first authorization (Ordinance) is for the City Manager, or his designated representative, to

The second authorization is a Resolution certifying that the City will provide the State matching funds and administrative fee, if requested, by establishing an account for this purpose and provide required documentation to the State as part of the administration of the loans. With exception of a change to reflect that the City Manager has designated more than one duly designated representative from the Manager's staff and project specific information, the requested Ordinance and Resolution for the Point Loma Digesters S1 and S2 Upgrade Project will accomplish the same compliance as for previous projects authorized by the City Council to obtain a low interest loan. The loan amount for this project is expected to be approximately \$13,600,000.

Mendes/Tulloch/RJE

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A, AND TO ADOPT THE RESOLUTION IN SUBITEM B. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map, Street Vacation, Street Dedication, Easement Vacation, Planned Development Permit, Site Development Permit, Variance to the Inclusionary Housing Ordinance, and Joint Use Parking Agreement to allow development of 184 residential condominium apartment units, including 18 affordable units, and approximately 20,416 square feet of retail space in the Linda

Vista Community Plan area. The project site consists of an approximately 6.50 acre property located south of the intersection of Linda Vista Road and Napa Street, immediately north of Friars Road (including the existing Morena/Linda Vista trolley station), and a non-contiguous area along the north side of Friars Road of approximately 1.12 acres. The project site is in the following zones: CC-3-4, IL-3-1; the North Bay Redevelopment area; Community Plan Implementation Overlay (Area A); and the Campus Parking Impact area.

The project proposes to construct two (2) three-story mixed use retail/residential buildings and one (1) four-story apartment/condominium building over below-grade parking. The project proposes approximately 614 parking spaces, including approximately 217 parking spaces in the below-grade garage. The existing trolley station would be relocated on site. The project includes a non-contiguous area along the north side of Friars Road that would provide 120 parking spaces pursuant to a joint use parking agreement to be entered into between the City and the Metropolitan Transit Development Board to be used primarily for overflow trolley parking and recreational uses. The Site Development Permit is requested to allow deviations in height and sidewalk width from the requirements of the Community Plan Implementation Overlay Zone (CPIOZ), and to allow a deviation from the Environmentally Sensitive Lands (ESL) Regulations to allow encroachment into ESL (floodway) for the parking area along the north side of Friars Road. The Planned Development Permit would allow deviations to lot coverage, driveway width, interior side setback, street side setback, parking stall length, and parking garage aisle width regulations of the underlying zone. The street segments proposed to be vacated with this project are all paper streets and have not been constructed nor used as streets (segments of: Cherry St., Gaines St., Riley St., Pine St., Fort Stockton St., Custer St., Greenwood St., unnamed alley, and Adams Street). Also, portions of six utility easements are proposed for vacation.

-A Variance from the requirements of the Inclusionary Housing Ordinance is requested with this project to allow the provision of 18 affordable housing units at rates affordable to households earning no more than 80% of the area median income (AMI), where 18.4 affordable housing units at 65 % AMI would be required by the Inclusionary Housing Ordinance.

(Linda Vista Community Plan area. District-6. Tentative Map No. 10197, Street Vacation No. 10207, Street Dedication No. 10206, Planned Development Permit No. 10198, Site Development Permit No. 25464, and Variance No. 29754, Joint Use Agreement-Project No. 6137 [MMRP]).

NOTE: Hearing open. No public testimony taken on 9/23/2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-270 Cor. Copy) GRANTED TENTATIVE MAP;
ADOPTED AS RESOLUTION R-298572

Adoption of a Resolution granting Tentative Map No. 10197; that pursuant to California Government Code section 66434(g), portions of Riley Street, Cherry Street, and Gaines Street, located within the project boundaries as shown in Tentative Map No. 10197, shall be vacated, contingent upon the recordation of the approved final map for the project

That the dedication and naming of a public street as "Napa Street" in Parcel 3 of Parcel Map No. 9229, recorded October 10, 1979, as File No. 79-422984, and in Lots 3 and 4 in Block 357 according to Map by James Pascoe in 1870 known as Miscellaneous Map 40, recorded December 12, 1921, as shown on Tentative Map No. 10197, is approved.

That the dedication and naming of a public street as "Linda Vista Road" in Parcel 1 and 2 of Parcel Map No. 9229, recorded October 10, 1979, as File No. 79-422984, as shown on Tentative Map No. 10197, is approved.

That pursuant to California Government Code section 66434(g), a portion of the water easement granted to the City of San Diego per document recorded October 10, 1963, as file No. 181658, a portion of the sewer, water, drainage, and public utility easement granted to the City of San Diego per document recorded March 4, 1964, as file No. 41221, a portion of the water main easement granted to the City of San Diego per document recorded July 8, 1970, as file No. 119526, a portion of the sewer easement granted to the City of San Diego per document recorded July 13, 1979, as file No. 79-245239, a portion of the sewer easement granted to the City of San Diego per document recorded September 23, 1997, as file No. 1997-046754, located within the project boundaries as shown in Vesting Tentative Map No. 7248, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 10197 is granted to City Link Investment Corporation, Applicant, and

SB&O, Inc., Engineer, subject to the conditions attached hereto and made a part thereof.

Subitem-B: (R-2004-271 Cor. Copy) ADOPTED AS RESOLUTION R-298573

Adoption of a Resolution certifying that Mitigated Negative Declaration, Project No. 6137, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Morena Vista project.

Subitem-C: (R-2004-286) ADOPTED AS RESOLUTION R-298574

Adoption of a Resolution vacating portions of Riley Street, Pine Street, Fort Stockton Drive, Cherry Street, Custer Street, Greenwood Street, Morgan Street (formerly Adams Street), and unnamed alleys in Block 1 of Map 569, as more particularly shown on Drawing Nos. 20120-1-B, 20120-2-B, and 20120-3-B, and described in the legal description marked as Exhibit AA,@ which are by this reference incorporated herein and made a part hereof are ordered vacated.

Subitem-D: (R-2004-574) GRANTED PERMITS; ADOPTED AS
RESOLUTION R-298615

Adoption of a Resolution approving Planned Development Permit No. 10198, Site Development Permit No. 25464, (including Environmental Sensitive Lands deviation), and Variance (from the requirements of the Inclusionary Housing Ordinance). No. 29754.

OTHER RECOMMENDATIONS:

The Planning Commission on September 11, 2003, voted 5-0 to approve.

Ayes: Lettieri, Brown, Chase, Garcia, Ontai,
Not present: Schultz , Steele

The Linda Vista Community Planning Committee voted 14-2 to recommend approval of the project.

Planning Commission Recommendation:

At the Planning Commission recommendation hearing on September 11, 2003, the Commission recommended approval of the project as described in the revised report to the Planning Commission as well as the information provided by staff at the Hearing. The Commission also made the following additional recommendations:

1. That the applicant meet with the San Diego Housing Commission staff to further review the draft affordable housing conditions and provide a solution that is agreeable to all parties to the City Council;
2. The retaining wall associated with the project should be plantable crib wall and that it be properly screened;
3. The parking area along Friars Road should be of a permeable surface, have a permanent mechanism in place for maintenance, and that it not be excluded from recreational users;
4. Complete ownership disclosure information for City Link should be provided to City Council.

The project as currently proposed includes these recommendations, including the revised draft Permit conditions as agreed to by the San Diego Housing Commission staff, the applicant, and staff of the Redevelopment Agency (see Attachment 9).

SUPPORTING INFORMATION:

Morena Vista project consists of a Tentative Map, Street Vacation, Street Dedication, Easement Vacation, Planned Development Permit, Site Development Permit, and Variance (to Inclusionary Housing Ordinance) to allow development of 184 residential condominium apartment units, including 18 affordable units, and approximately 20,416 square feet of retail space in the Linda Vista Community Plan area. The project site consists of an approximately 6.50 acre property located south of the intersection of Linda Vista Road and Napa Street, immediately north of Friars Road (zoned CC-3-4) and a non-contiguous area along the north side of Friars Road of approximately 1.12 acres (zoned CC-3-4 and IL-3-1). The project site is in the following zones: CC-3-4, IL-3-1; the North Bay Redevelopment area; Community Plan Implementation Overlay (Area A); and the Campus Parking Impact area. The project is a Redevelopment Agency project. The project site includes the Morena/Linda Vista trolley station which would be relocated onsite.

The project proposes to construct two (2) three-story mixed use retail/residential buildings and one (1) four-story apartment building over below grade parking. The street segments proposed

to be vacated with this project are all paper streets and have not been constructed nor used as streets (segments of: Cherry St., Gaines St., Riley St., Pine St., Fort Stockton St., Custer St., Greenwood St., unnamed alley, and Adams Street). The project includes a non-contiguous parking area along the north side of Friars Road that would provide 120 parking spaces pursuant to a joint use parking agreement to be entered into between the City and the MTDB to be used primarily for overflow trolley parking and recreational users. This area is in the floodway and is therefore subject to the Environmentally Sensitive Lands Regulations (ESL). The Site Development Permit includes supplemental findings for ESL and an ESL deviation to allow the proposed parking lot in the floodway. A Variance from the requirements of the Inclusionary Housing Ordinance is requested with this project to allow the provision of 18 affordable housing units at rates affordable to households earning no more than 80 percent of the area median income (AMI), where 18.4 affordable housing units at 65 percent AMI would be required by the Inclusionary Housing Ordinance.

TRAFFIC IMPACT:

The proposed project consisting of 184 dwelling units with ground floor commercial/retail uses is estimated to generate 1,511 average daily trips (ADT) with 93 am peak-hour trips and 135 pm peak-hour trips. The proposed project is not expected to have a significant adverse impact on the freeway or the neighboring roadway system.

Water Quality Impact Statement: The project is required to comply with the State Water Resources Control Board Order No.92-08-DWQ (NPDES General Permit No. CAS0000002). Private storm drain facilities will collect and convey the runoff to the public storm drain system. The development proposes structural and non-structural Best Management Practices (BMP's). Permanent BMP structures will be required, satisfactory to the City Engineer. Non-structural BMP's will consist of source control, periodic sweeping of the parking areas and adequate vegetation and erosion control. The property owner will be responsible for the long term maintenance of the BMP's. Per the Joint Use Parking Agreement, MTDB would be responsible for maintenance of the non-contiguous parking area, including maintenance of BMP'S.

FISCAL IMPACT:

No cost to the City: all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located south of the Linda Vista Road and Napa Street intersection, (includes the existing Morena/Linda Vista trolley station) and just north of Friars Road. The site is zoned

CC-3-4 and IL-3-1 and lies within the Linda Vista Community Plan Area, North Bay Redevelopment Project Area, Community Plan Implementation Overlay Zone (Area A), and Campus Parking Impact Area.

NOTE: See Item 207 on today's docket for a companion item.

FILE LOCATION: SUBITEMS A, B, C & D: STRT-J-2955 (39)

COUNCIL ACTION: (Time duration: 5:03 p.m. – 6:06 p.m.)

Testimony in favor by Cindy Eldred, Wayne Bamford, Doug Beckman, Diane Combs, Ed Cramer, Charles Johnson, Abdur Hameed, Janet Kaye, and Clive Richard.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS TO GRANT THE TENTATIVE MAP, TO GRANT THE PERMITS, AND TO CERTIFY THE MITIGATED NEGATIVE DECLARATION. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-207: Two actions related to Construction, Maintenance and Joint Parking Agreement – Morena/Linda Vista Trolley Station.

(Morena/Linda Vista Community Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-468) ADOPTED AS RESOLUTION R-298575

Authorizing the execution of the Construction, Maintenance and Joint Parking Agreement between the Metropolitan Transit Development Board and the City of San Diego.

Subitem-B: (R-2004-471) ADOPTED AS RESOLUTION R-298576

Certifying that the information contained in Mitigated Negative Declaration LDR-6137 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and

that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the Construction, Maintenance and Joint Parking Agreement – Morena/Linda Vista Trolley Station;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The City owns approximately 3.21 acres consisting of seven parcels of property located on the north side of Friars Road from Napa Street on the east to west of Morena Boulevard. The property was purchased for the Mission Bay Project in 1950-51 and is now adjacent to the Morena/Linda Vista Trolley Station. In April 2000 the Metropolitan Transit Development Board (MTDB), in cooperation with the City, negotiated a lease agreement with CityLink Development Corporation for a transit-oriented commercial/residential development to generate revitalization of the surrounding area and to create an additional revenue stream for public transit.

As a part of the development MTDB now desires to enter into a 55 year Construction, Maintenance and Joint Parking Agreement for the use of approximately 1.12 acres of the City property for the development of a parking area for approximately 120 vehicles, a pedestrian ramp for access from the parking area to the trolley station platform and area landscaping. The Morena Vista Project implements the goals of the Linda Vista Community Plan and the North Bay Redevelopment Area and will provide additional parking for local amenities which include retail, commercial and recreation facilities.

TERM: Fifty-five years from the date of execution by the City Manager.

USE: Additional parking at Morena/Linda Vista trolley station.

SIZE: Approximately 1.12 acres.

RENT: In lieu of rent to the City, CityLink Development will install the improvements on the City property and MTDB will maintain, at their sole cost, the improvements on City property.

IMPROVEMENTS: Paving, pedestrian ramp, lighting, irrigation, and landscaping.

FISCAL IMPACT:

None.

Herring/Griffith/DCM

NOTE: See Item 206 on today's docket for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 5:03 p.m. – 6:06 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-208: HEARING HELD; REFERRED TO CLOSED SESSION ON TUESDAY, NOVEMBER 4, 2003

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium.

Agency Negotiator: Assistant City Attorney Leslie Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers.

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the City Council on this item should speak “in favor” or “in opposition” to the subject.

Mayor Murphy closed the Hearing.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:41 p.m.)

ITEM-209: HEARING HELD; REFERRED TO CLOSED SESSSION ON TUESDAY,
NOVEMBER 4, 2003

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An approximate 396-acre parcel owned by the City of San Diego commonly known as Mt. Woodson located north of and adjacent to the City of Poway (APN 278-211-01 and 278-081-05) in exchange for an approximate 19.6-acre parcel owned by the City of Poway commonly known as the Pomerado Wastewater Treatment Plant Site located in the City of San Diego (APN 316-231-04, 06, 14, 16, and 17)

City Negotiator: Real Estate Assets Director

Negotiating Party: City of Poway

Under Negotiation: Seeking direction on the exclusive exchange of this property.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council’s actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the City Council on this item should speak “in favor” or “in opposition” to the subject.

Mayor Murphy closed the Hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m.– 2:42 p.m.)

ITEM-250: **Notice** of Pending Final Map Approval – “NTC – Unit No. 7”.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “NTC – Unit No. 7”, (T.M. No. 99-1076), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Peninsula Community Plan Area, northeasterly of Harbor Drive and Rosecrans Streets in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the City Council for submittal to the qualified voters of the City of San Diego at a Special Municipal Election to be held on Tuesday, March 2, 2004, the City Clerk has fixed 5:00 p.m. on Thursday, December 18, 2003, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or an individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this Statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-252: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/26/2003	158	LAST DAY (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee.
Wednesday	10/1/2003	153	Rules Committee review.
Monday	10/27/2003	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee.
Monday	11/3/2003	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	through 11/17/2003	to 106	
Monday	11/24/2003	99	Council adopts ordinances prepared by City Attorney.
Friday	12/5/2003	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	12/18/2003	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk, (619) 533-4025.

ITEM-S400: Ballot Proposal for the March 2, 2004 Election, Amending the City Charter, Section 94.4, Relating to "Construction Manager at Risk."

(See City Manager Report CMR-03-209, and memorandum from Councilmember Madaffer dated 10/21/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-489) CONTINUED WITH DIRECTION TO MONDAY,
NOVEMBER 17, 2003

Directing the City Attorney to prepare an ordinance for City Council consideration to place a proposal on the March 2, 2004 ballot, amending the San Diego City Charter to provide for the construction of public works pursuant to the "Construction Manager at Risk" delivery method, in substantially the following form:

SEC. 94.4 Construction Manager At Risk Contracts

Notwithstanding any provisions of this Charter to the contrary, the City is not prohibited from awarding contracts for the construction of public works using a combination of: (1) design review and management services; and (2) construction and construction management services procured from a single person or entity for a guaranteed maximum price pursuant to a process of competitive negotiation, provided the process of competitive negotiation is conducted as may otherwise be required by this Charter or the Municipal Code. The City Council shall establish by ordinance guidelines for the award, use, and evaluation of such construction manager at risk contracts, and may set an amount below which the City Manager may award such contracts.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 10/22/2003, RULES voted 5 to 0 to approve the "Construction Manager at Risk" ballot proposal and direct the City Attorney to prepare the Charter amendment language with the goal of docketing the item at the full City Council November 3, 2003. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:55 p.m.; 6:07 p.m. – 6:08 p.m.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 17, 2003, WITH DIRECTION TO THE CITY ATTORNEY TO COME BACK TO COUNCIL WITH AN ORDINANCE FOR APPROVAL. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Waiver of City Fees Associated with Fire Damage Reconstruction.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-494) ADOPTED WITH DIRECTION AS RESOLUTION
R-298577

Directing the City Manager and City Attorney to review Councilmember Maienschein's proposal that the City waive building permit fees, demolition fees, and waste disposal fees associated with the reconstruction of fire damaged property in the City of San Diego and report back to the City Council with recommended actions as soon as possible.

SUPPORTING INFORMATION:

Many City of San Diego residents, property, and business owners have had their homes and businesses destroyed or severely damaged by the devastating wildfires in San Diego County over the past several days. The Cedar Fire, Paradise Fire, and Otay Fire have burned several communities within the City of San Diego including Clairemont, Kearny Mesa, Miramar, Scripps Ranch, Tierrasanta, and Otay Mesa/Nestor.

In an effort to support these property and business owners in the reconstruction of property damaged by the fire, I recommend that the City waive building permit fees, demolition fees and waste disposal fees associated with reconstruction efforts. This item directs the City Manager and City Attorney to review my proposal and report back to the City Council with recommended actions as soon as possible.

Maienschein

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:42 p.m. – 4:59 p.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER AND TO THE CITY ATTORNEY TO PREPARE ALL NECESSARY CODE ORDINANCE CHANGES TO IMPLEMENT A WAIVER OF BUILDING PERMIT FEES, DEMOLITION FEES, AND WASTE DISPOSAL FEES ASSOCIATED WITH THE RECONSTRUCTION OF FIRE DAMAGE PROPERTY IN THE CITY OF SAN DIEGO, AND TO COME BACK TO COUNCIL IN TWO WEEKS

WITH AN ORDINANCE FOR APPROVAL. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:16 p.m. in honor of the memory of:

Steven Rucker; Galen Blacklidge; Edward Downs; Nancy Morphew; Mary Peace; Ashleigh Roach; Stephen Shacklett; James and Solange Shohara; Randy Shohara; Robin and Jennifer Sloan; Christy-Anne Seiler Davis; and Ralph Westy as requested by Mayor Murphy.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:12 p.m. – 6:16 p.m.)